

*Honorable Robert von Moschzisker,
Chairman, Judicial Conference,
City Hall, Philadelphia, Pennsylvania.*

MY DEAR JUDGE VON MOSCHZISKER:

As Chairman of the Crime Commission of the Commonwealth I transmit herewith a report of the work of the Commission as it relates to (1) legislation based upon the resolutions of the Judicial Conference, convened April 8, 1928, and (2) other legislation proposed by the Commission.

In its report to the General Assembly the Commission recommended the enactment of twenty-one bills. Of these measures twelve were written to cover eight of the nine resolutions adopted by the Judicial Conference.

I shall take up these resolutions seriatim, giving the bill which was drawn in compliance with such resolution, by whom that bill was introduced, to what Legislative Committee it was referred, what amendments were made or suggested to it, what particular opposition was encountered, and the final disposition by the Legislature, its Committees, or the Governor.

The bills of the Crime Commission were introduced simultaneously in the Senate and House of Representatives.

- I. RESOLVED, That the law forbidding adverse comment by court or counsel, on the failure of a defendant on trial to offer himself as a witness, should be repealed, to the end that all legitimate argument and comment thereon shall be allowed.

Senate Bill No. 332, Introduced by Senator Kitts.

House Bill No. 567, Introduced by Rep. Stadtlander.

A copy of the House Bill is attached hereto as Exhibit 1.

DISPOSITION: This bill was referred to the Committee on Judiciary General in each Chamber, and was indefinitely postponed in both Committees.

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2. RESOLVED, It is the sense of the conference that, whenever, in the opinion of the trial court, the police or court records sufficiently indicate that a defendant is a professional criminal, the Commonwealth should be permitted to present that fact in its case in chief, and that such police and court records should be admissible in evidence, in the discretion of the trial judge.

Senate Bill No. 331, Introduced by Senator Kitts.

House Bill No. 569, Introduced by Rep. Stadtlander.

Copies of the Senate and House Bills are attached hereto marked Exhibits 2 and 2-A respectively.

DISPOSITION: Indefinitely postponed in the Senate Judiciary General Committee. In the House Committee it was referred to a Sub-Committee. The bill was not reported out by either Committee.

3. RESOLVED, That the right to separate trials of defendants jointly indicted for capital offenses should rest in the sound discretion of the trial court as in other cases.

Senate Bill No. 270, Introduced by Senator Painter.

House Bill No. 578, Introduced by Rep. Wilson.

Copies of the Senate and House Bills are attached hereto marked Exhibits 3 and 3-A respectively.

DISPOSITION: Indefinitely postponed in the Senate Committee. In the House it was referred to a Sub-Committee. The bill was not reported out by either Committee.

4. RESOLVED, That the law should require the examination of prospective jurors on their voir dire to be conducted exclusively by the trial judge, subject to the right of counsel, after such examination, to suggest additional questions to be put to the prospective juror by the trial judge, in his discretion.

Senate Bill No. 290, Introduced by Senator Schants.

House Bill No. 568, Introduced by Rep. Stadtlander.

Copies of the Senate and House Bills are attached hereto, marked Exhibits 4 and 4-A respectively.

DISPOSITION: Indefinitely postponed in both the Senate and House Committees.

5. RESOLVED, That in all criminal cases, except capital cases and where a constitutional question is involved, the laws should be so amended as to permit appeals only after allowance thereof by a judge of the appellate court to which the appeal lies.

Senate Bill No. 294, Introduced by Senator Buckman.
House Bill No. 691, Introduced by Rep. Turner.

Copy of the House Bill is hereto attached and marked Exhibit 5.

DISPOSITION: Indefinitely postponed in both Committees.

I appeared before the Judiciary General of each House at two of its meetings to urge favorable action upon these five bills and discussed them at length with other members of each Chamber, but was met with a flat refusal to consider them that was more determined than active opposition. They were characterized as "invasion of the defendants' rights"—a stock phrase that, once started, was seized upon by many. Many of the sponsors advised the Commission that to press these bills would imperil the remaining bills on the Commission's program.

5. (a) RESOLVED, That the time for taking appeals in criminal cases should be limited to three weeks.

Senate Bill No. 298, Introduced by Senator Buckman.
House Bill No. 695, Introduced by Rep. Turner.

Copies of the Senate and House Bills are attached hereto, marked Exhibits 6 and 6-A respectively.

DISPOSITION: This bill passed the Senate without amendment, and became House Bill No. 1497; was referred

to the Committee on Judiciary General of the House, and was not reported out by that Committee. The House Bill—No. 695—was reported out by the House Judiciary General Committee after amending the Bill from “21 days” to “30 days.” The Bill was voted on in the House March 25, 1929, and defeated, the ayes being 24 and the nays 119.

6. (a) RESOLVED, That the Legislature be requested to pass a general act authorizing the appellate courts of the Commonwealth, with the approval of a majority of the judges of the courts of quarter sessions of the peace and oyer and terminer, to adopt, promulgate and enforce such rules as will expedite and standardize the trial and punishment of those charged with criminal offenses, but so always as not to alter the statutory definition of any crime or to increase or diminish the punishment provided therefor.

Senate Bill No. 297, Introduced by Senator Buckman.
House Bill No. 709, Introduced by Rep. Turner.

Copies of the Senate and House Bills are hereto attached marked Exhibits 7 and 7-A respectively.

DISPOSITION: House Bill No. 709 was passed by the House without amendment, and referred to the Senate Committee on Judiciary General, but the Senate Committee indefinitely postponed the House Bill as well as its own original Bill.

The reason advanced by several of the members of the Senate Committee for the opposition to this Bill was that it would grant too much power to the courts, and that the Judiciary would by its rules contravene statutory law. This argument persisted despite the fact that it was pointed out to the members of the Committee that Section I, line 9 of the Act, specifically provides: “such rules so adopted shall not be inconsistent with statutory law.”

6. (c-1) RESOLVED, That legislation should be enacted establishing a uniform rule of four days after the trial within which motions for a new trial and in arrest of judgment must be filed.

Senate Bill No. 295, Introduced by Senator Buckman.
House Bill No. 792, Introduced by Rep. Turner.

Copies of the Senate and House Bills are attached hereto and marked Exhibits 8 and 8-A respectively.

DISPOSITION: Indefinitely postponed in both Senate and House Committees.

6. (c-2) RESOLVED, That it is the sense of the conference that in granting a new trial the court hearing the motion should file of record a general statement of its reasons for that course. (This is an expression of the view of the assembled judges, not a suggestion for legislation.)

No Act was drafted in pursuance of this resolution.

7. RESOLVED, That it is the sense of the conference that the trial of criminal cases not involving the higher felonies, by a judge without a jury, if the accused voluntarily gives his consent thereto, is desirable and should be incorporated in our penal system.

Senate Bill No. 293, Introduced by Senator Buckman.
House Bill No. 705, Introduced by Rep. Marcus.

Copies of the Senate and House Bills are hereto attached and marked Exhibits 9 and 9-A respectively.

DISPOSITION: This bill was passed in the Senate with minor amendment and referred to the House Committee on Judiciary General. The House Committee referred the bill to a sub-committee. The House Sub-Committee, on two occasions, voted against reporting the Bill to the floor of the House. A motion to report the Bill out was defeated

in Committee by a vote of 8 to 7, despite the fact that the Senate had passed the Bill.

The opposition to the Bill in its original form was that the defendant would be obliged to waive his right in the presence of the panel of jurors before whom he was to be tried, and that he would be prejudiced before the jurors. An amendment was, therefore, drafted providing that at the time the waiver was made by the defendant, the panel of jurors should not be present in the court room. A copy of such amendment is attached hereto, marked Exhibit 9-B. But even after the amendment was inserted the Bill could not be brought out of Committee.

8. RESOLVED, That it is the sense of the conference that a system of increasingly graduated penalties dependent upon the number of former convictions of the accused but without the necessity of including such former convictions in the indictment on trial, should be incorporated in our penal system.

Senate Bill No. 317, Introduced by Senator Salus.

House Bill No. 563, Introduced by Rep. Sterling.

Copies of the Senate and House Bills are hereto attached and marked Exhibits 10 and 10-A respectively.

DISPOSITION: This bill was passed by the Senate and referred to the House Committee on Judiciary General where it was amended as set forth in Exhibit 10-B attached hereto. In its amended form (Exhibit 10-B) the bill was passed by the House and the amendments concurred in by the Senate. This bill was approved and signed by the Governor, April 29, 1929, and became Act No. 373.

9. RESOLVED, That the Act of June 29, 1923, P. L. 975, commonly known as the Ludlow Act, has been found unsatisfactory in its practical operation under present conditions, and should be repealed.

Senate Bill No. 285, Introduced by Senator Bonbrake.
House Bill No. 704, Introduced by Rep. Wilson.

Copies of the Senate and House Bills are hereto attached and marked Exhibits 11 and 11-A respectively.

DISPOSITION: Indefinitely postponed in Senate Committee and in House referred to a Sub-Committee. The House Bill was reported out to the second reading calendar in the House and then re-committed and postponed in Committee.

In addition to the foregoing, and in pursuance of the following resolution, an Act was offered:

RESOLVED, That a law should be adopted providing that in criminal prosecutions all motions preliminary to trial, such as demurrers to indictments, motions to quash, and for bills of particulars, shall be deemed to have been decided against the party advancing them and be subject to assignment as error on appeal from final judgment in the case, unless, within four days after hearing the same, the trial court shall decide them otherwise; and that all motions subsequent to the verdict shall in like manner be deemed to have been dismissed, unless the court shall decide otherwise within 30 days after the hearing: provided, that the court may from time to time by written order suspend for a fixed period, at no one time to exceed 30 days, the operation of this rule.

Senate Bill No. 296, Introduced by Senator Buckman.
House Bill No. 703, Introduced by Rep. Turner.

Copies of the Senate and House Bills are hereto attached and marked Exhibits 12 and 12-A respectively.

DISPOSITION: Indefinitely postponed in both Senate and House Committees.

The foregoing covers those suggested acts of Assembly growing out of the recommendations of the Judicial Conference. In addition to these twelve measures the Commission

offered nine bills which were designed to meet certain needs and remedy certain conditions in the administration of criminal law. These additional nine measures were as follows :

13. INVOLUNTARY MANSLAUGHTER.

Senate Bill No. 292, Introduced by Senator Daix.

House Bill No. 570, Introduced by Rep. Staudenmeier.

A copy of the House Bill is attached hereto and marked Exhibit 13.

This was one of two bills recommended by the State Association of District Attorneys, and it was the recommendation of the Commission that the penalty for involuntary manslaughter be increased from two to five years.

DISPOSITION : Both the Senate and House Committees reduced the term of imprisonment, as set forth in the Bill, so that the new term would be three years, or an increase of one year. This bill was passed by both Houses and sent to the Governor, who approved it on April 22, 1929, as Act No. 41. A copy of the Bill as finally passed is attached hereto and marked Exhibit 13-A.

14. EXTRA-STATE SUBPOENA.

Senate Bill No. 272, Introduced by Senator Weingartner.

House Bill No. 571, Introduced by Rep. Staudenmeier.

Copies of the Senate and House Bills are attached hereto and marked Exhibits 14 and 14-A respectively.

This measure was the second of the two suggested by the State Association of District Attorneys.

DISPOSITION : The Senate passed the bill without amendment and it was referred to the House Judiciary General Committee, where it was amended as is set forth in Exhibit 14-B hereto attached. The amendments provided that the subpoena was to be issued by a court of record.

The bill in this form was passed by the House and concurred in by the Senate and transmitted to the Governor for signature. The Governor vetoed this measure May 9, 1929, and assigned in his veto message the fact that the bill was not limited to major criminal cases and did not limit the distance from which a witness could be subpoenaed. The Governor also pointed out that the Commission on Uniform State Laws is preparing a uniform act on this subject which is to be presented to all of the states. A copy of the veto message is attached hereto, marked Exhibit 14-C.

15, 16, 17. PAROLE COMMISSIONERS, ETC., FOR STATE PENAL INSTITUTIONS PROVIDED IN BOARD OF PARDONS.

These three acts were introduced to set up a state-wide system of supervising parolees from State Penal Institutions [Senate Bills Nos. 309, 307 and 308, Introduced by Senator Mansfield]; [House Bills Nos. 560, 562 and 561, Introduced by Rep. Sterling].

Copies of the Senate and House Bills are hereto attached marked Exhibits 15, 15-A and 15-B; 15-C, 15-D, and 15-E respectively.

DISPOSITION: These bills were passed by the Senate with amendments as set forth in Senate Bills Nos. 309, 307 and 308 (Exhibits 15-F, 15-G and 15-H respectively), and in that form, to wit, 15-F, 15-G and 15-H, were passed by the Senate and the House and sent to the Governor, who approved them May 1, 1929, as Acts 416, 414 and 415.

In order to conform with the requirements of the administrative code the amendments were prepared so as to vest authority in the Board of Pardons, instead of a separate Board of Parole.

18. FIREARMS.

A bill to provide state-wide registration and licensing of firearms was introduced, Senate Bill No. 319, by Senator Salus, and House Bill No. 694, introduced by Representative

Marcus. A copy of the House Bill is attached hereto and marked Exhibit 16.

DISPOSITION: Both the Senate and House Committees indefinitely postponed action on this measure, and Senator Salus then introduced Senate Bill No. 688, a copy of which is attached hereto and marked Exhibit 16-A. This bill was almost identical with the House Bill, No. 694, introduced by the Commission, and was finally amended as is set forth in Exhibit 16-A. The bill was passed by the Senate and referred to the House, where after conference with sportsmen's associations, it was amended as set forth in Exhibit 16-A. After a prolonged debate, it was defeated by a vote of 96 to 93. The constitutional majority required to pass this measure was 105 votes, and the number of votes was therefore 12 short of passage. A motion to reconsider the vote was defeated by a vote of 103 to 96, with 9 more votes still required to pass the bill.

The opposition to this measure was encountered from the rural communities where the farmers and sportsmen were opposed to the inconvenience that would be caused by state-wide registration of arms. Opposition was also led by various rifle clubs, by a few distributors of arms, and by many members from Allegheny County.

19. BAIL JUMPING.

An act to make bail jumping an offense was submitted.

Senate Bill No. 315, Introduced by Senator Salus.

House Bill No. 770, Introduced by Rep. Bidelspacher.

Copies of the Senate and House Bills are attached hereto and marked Exhibits 17 and 17-A respectively.

It was suggested that an amendment be made to this bill requiring the giving of notice to the bondsman. Such a requirement was prepared by adding Section 3 to the proposed bill which reads as follows:

"Section 3. But no person shall be guilty of the offenses set forth in Sections 1 and 2 hereof, unless notice of the listing of such cause is served upon the bondsman."

DISPOSITION: Despite the amendment the Senate Committee indefinitely postponed action on the bill and the House Judiciary General Committee referred the bill to a subcommittee, but the House Committee also failed to report the bill out.

20. CONTINUANCE OF CRIME COMMISSION.

Senate Bill No. 277, Introduced by Senator Woodward.
House Bill No. 566, Introduced by Rep. Stadtlander.

A copy of the Senate Bill is hereto attached and marked Exhibit 18.

DISPOSITION: The House passed the bill without amendment, with an appropriation of \$50,000, and it was referred to the Senate Committee on Appropriations. Here the appropriation was reduced to \$15,000, reported out with bitter opposition, an hour or two before adjournment, and passed by the Senate, with the House concurring. A copy of the bill as passed is attached hereto and marked Exhibit 18-A.

The bill was sent to the Governor for signature, but the Governor vetoed the bill on May 13, 1929, stating that he regretted to do so, but that the title of the bill failed to mention the provision for an appropriation. The Governor further stated that the work of the Commission would be continued through an unofficial committee called to assist the Attorney General. A copy of the veto message is attached hereto and marked Exhibit 18-B.

21. AUTHORIZATION TO COLLECT CRIMINAL STATISTICS.

Senate Bill No. 322, Introduced by Senator Salus.
House Bill No. 683, Introduced by Rep. Blumberg.

Copies of the Senate and House Bills are attached hereto and marked Exhibits 19 and 19-A respectively.

DISPOSITION: The House Bill was passed by the House without amendment, and was subsequently amended by the Senate Committee on Judiciary General, which amendment called for the omission of the penal clause contained in Section 5 of the bill. This section was stricken out. As thus amended the bill was passed by the Senate and concurred in by the House. A copy of the bill is attached and marked Exhibit 19-B. The Governor vetoed this measure, May 8, 1929, and gave as his reason that the bill conflicts with the new Administrative Code which directs similar work to be performed by the State Department of Welfare. A copy of the veto message is attached hereto, marked Exhibit 19-C.

The work of the Commission, therefore, resulted in the passage of eight bills and enactment of five.

A phase of the Commission's experience with the Legislature which should be mentioned was the active opposition of many members of both branches to what they termed the "interference of the Judiciary with legislative functions." The Commission believed that the endorsement of a large part of its program by one hundred and eight judges, who attended the Judicial Conference, would be a compelling circumstance with members of the Senate and of the House. Such did not prove to be the case.

It is apparent, therefore, that during the period preceding the sessions of the 1931 Legislature, proper efforts should be made to establish between judiciary and legislators a clearer understanding of reciprocal relationships and responsibilities in this matter of improving the criminal procedure of the State.

It is realized by the Commission that changes in the law and practices of criminal procedure cannot be effected at once, but must develop out of efforts to educate the public. It is hoped that the work of the Commission has initiated this educational process so that out of the criminal statistics

it published, the bills it offered, and the public interest it aroused, more of its proposed legislation may be passed during the next session. But bench and bar and influential laymen throughout the State must unite to co-operate with such group as the Attorney General designates to carry on from the point where the Commission's labors ended.

Respectfully submitted,

CHARLES EDWIN FOX,
Chairman, Crime Commission,
Commonwealth of Pennsylvania.

May 22, 1929.

This report will be formally submitted to the Conference by the committee of judges recently appointed, of which the Hon. James M. Barnett is chairman, with such recommendations as the committee may deem proper.

ROBERT VON MOSCHZISKER,
Chairman of the Conference.

Appendix

The following Exhibits are omitted from this appendix because they are identical in substance with the corresponding House or Senate Bills, as included in this appendix :

Exhibits 2A, 3A, 4A, 6A, 7A, 8A, 9A, 10A, 11A, 12A, 14A, 14B, 15C, 15D, 15E, 16, 17A, 18, 19A.

EXHIBIT 1.

FILE OF THE HOUSE OF REPRESENTATIVES

No. 567 Session of 1929

AN ACT

To amend section ten of the act approved the twenty-third day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred fifty-eight) entitled "An act relating to the competency of witnesses and to the rules of evidence in civil and criminal cases revising declaring and consolidating some of the existing acts and rules of law upon these subjects and also extending some of the provisions of the same" by eliminating the provision of law prohibiting reference by court or counsel to the neglect or refusal of a defendant to offer himself as a witness and by providing that such failure to offer himself as a witness shall not affect the presumption of innocence

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That section ten of the act approved the twenty-third day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred fifty-eight) entitled "An act relating to the competency of witnesses and to the rules of evidence in civil and criminal cases revising declaring and consolidating some of the existing acts and rules of law upon these subjects and also extending some of the provisions of the same" is hereby amended to read as follows

Section 10 Except defendants actually upon trial in a criminal court any competent witness may be compelled to testify in any proceeding civil or criminal but he may not be compelled to answer any question which in the opinion of the trial judge would tend to criminate him [nor may the neglect or refusal of any defendant actually upon trial in a criminal court to offer himself as a witness be treated

as creating any presumption against or be adversely referred to by court or counsel during the trial] The failure of a defendant actually upon trial in criminal court to offer himself as a witness shall not affect the presumption of innocence but his failure to do so may be commented upon by court or counsel

EXHIBIT 2.

FILE OF THE SENATE

No. 331 Session of 1929

AN ACT

Defining persistent offenders or professional criminals and authorizing upon the trial of such a person the admission in evidence of police or court records or certified copies thereof showing prior criminal convictions against him or her

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That when in the trial of a criminal case the Commonwealth offers to prove that the defendant is a persistent offender against the law or a professional criminal and for this purpose tenders in evidence either as part of its case in chief or as rebuttal police or court records or duly certified copies of the same and other evidence to connect the defendant on trial as the person mentioned in such records if the presiding judge is satisfied that the defendant is the person named therein such record or duly certified copy thereof offered as proof shall be admissible in evidence but the judge in such event shall charge the jury that such record is not substantive evidence of the defendant's guilt but may be considered with the other evidence in the case

Section 2 It shall not be necessary to set forth in the bill of indictment that the defendant is a persistent offender against the law or a professional criminal in order to make such police or court records admissible in evidence

Section 3 A persistent offender or professional criminal within the meaning of this act is one who has been arrested and convicted of any of the following crimes two or more times in a court of record prior to the trial in which

the records mentioned in section one of this act are offered in evidence Treason murder voluntary manslaughter sodomy buggery burglary entering with intent to steal robbery arson mayhem kidnapping sale of narcotics perjury abortion pandering incest or any offense committed through the instrumentality of or with the aid of a deadly weapon or gun-powder or other explosive substance or corrosive fluid

Section 4 When evidence of the character provided for in section one of this act is tendered and the trial judge is satisfied therefrom that the defendant before him is a professional criminal if the defendant takes the stand in his own defense and denies guilt if the trial judge in his discretion considers that such record impeaches the credibility of the defendant he may admit the evidence of prior convictions as affecting the credibility of defendant

EXHIBIT 3.

FILE OF THE SENATE

No. 270 Session of 1929

AN ACT

To amend section forty of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws four hundred twenty-seven) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to Penal Proceedings and Pleadings" by providing for trial of two or more persons jointly indicted for felonious homicide jointly or severally in the discretion of the court

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That section forty of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws four hundred twenty-seven) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to Penal Proceedings and Pleadings" is hereby amended to read as follows

Section 40 In all cases in which two or more persons are jointly indicted for any offense it shall be in the discretion of the court to try them jointly or severally [except that in case of felonious homicide the parties charged shall have the right to demand separate trials] and in all cases of joint trials the accused as a whole shall have the right

to the same number of peremptory challenges to which either would be entitled if separately tried and no more

EXHIBIT 4.

FILE OF THE SENATE

No. 290 Session of 1929

AN ACT

Relating to the examination on their voir dire of jurors called to serve in criminal cases and providing for such examination exclusively by the trial judge

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That in all criminal cases hereafter tried in the courts of this Commonwealth only such prospective jurors need be examined on their voir dire as the district attorney or defendant or his counsel shall request at the time the same is announced by the officer calling the jurors A failure so to request at that time shall be deemed a waiver of the right

Section 2 All examinations of jurors on their voir dire shall be conducted exclusively by the presiding judge

Section 3 Immediately after the examination of each prospective juror the persecuting officer and defendant or his counsel shall have the privilege of suggesting additional questions to the trial judge to be put by him in his discretion to the juror under investigation

EXHIBIT 5.

FILE OF THE HOUSE OF REPRESENTATIVES

No. 691 Session of 1929

AN ACT

To amend section thirty-three of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws four hundred twenty-seven) entitled "An Act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" by regulating the right of appeal in criminal cases

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in*

General Assembly met and it is hereby enacted by the authority of the same That section thirty-three of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws four hundred twenty-seven) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" is hereby amended to read as follows

Section 33 Every person indicted in any court of quarter sessions or in any county court of oyer and terminer and general jail delivery and any court now or hereafter empowered by law to try defendants charged with indictable offenses of murder or in any case where a constitutional question is involved may remove the indictment and all proceedings thereon [or a transcript thereof] into the Supreme Court or Superior Court as provided by law by [a writ of certiorari or a writ of error as the case may require] appeal In all other criminal cases persons indicted in any of said courts shall have the right to remove the indictment and all proceedings thereon by appeal to the Supreme or Superior Court only after allowance of the appeal by a judge of the court to which the appeal lies

EXHIBIT 6.

FILE OF THE SENATE

No. 298 Session of 1929

AN ACT

To amend section four of the act approved the nineteenth day of May one thousand eight hundred and ninety-seven (Pamphlet Laws sixty-seven) entitled "An act regulating the practice bail costs and fees on appeals to the Supreme Court and Superior Court" as amended fixing the time in which appeals or applications for the allowance of appeals may be allowed from sentences and orders of the courts of quarter sessions and oyer and terminer

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That section four of the act approved the nineteenth day of May one thousand eight hundred and ninety-seven (Pamphlet Laws sixty-seven) entitled "An act

regulating the practice bail costs and fees on appeals to the Supreme Court and Superior Court” which was amended by the act approved the eleventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred seventy-two) entitled “An act to amend section four as amended and section twelve of an act approved the nineteenth day of May one thousand eight hundred and ninety-seven (Pamphlet Laws sixty-seven) entitled ‘An act regulating the practice bail costs and fees on appeals to the Supreme Court and Superior Court’ fixing the time within which appeals may be allowed and heard and regulating the effect of and procedure in certain appeals” is hereby further amended to read as follows

Section 4 No appeal shall be allowed in any case from an order judgment or decree of any court of common pleas or orphans’ court unless taken within three calendar months from the entry of the order judgment or decree appealed from nor shall an appeal supersede an execution issued or distribution ordered unless taken and perfected and bail entered in the manner herein prescribed within three weeks from such entry No appeal or application for the allowance of an appeal shall be allowed in any case from a sentence or order of any court of quarter sessions or oyer and terminer unless taken within [forty-five] twenty-one days from the entry of the sentence or order An appeal from the Superior to the Supreme Court must be taken and perfected within forty-five days from the entry of the order judgment or decree of the Superior Court Appeals taken after the times herein provided for shall be quashed on motion Provided That the limitation of [forty-five] twenty-one days provided for by this amendment for an appeal from an order or sentence of a court of quarter sessions or oyer and terminer shall apply only to cases in which the sentence order judgment or decree appealed from is entered after the first day of [July] August one thousand nine hundred and twenty-[seven] nine Appeals from sentences order judgments or decrees entered prior to the first day of [July] August one thousand nine hundred and twenty-[seven] nine shall be allowed if taken within [three calendar months] forty-five days from the date of the entry of such sentence order judgment or decree as heretofore provided

EXHIBIT 7.
FILE OF THE SENATE
No. 297 Session of 1929

AN ACT

Authorizing and empowering the Supreme and Superior Courts of the Commonwealth to call conferences of judges to adopt rules to expedite the trial of those charged with criminal offenses and standardize the procedure thereof and authorizing and empowering the Supreme and Superior Courts of this Commonwealth to promulgate and enforce such rules and providing for payment by the Commonwealth of the actual expenses of judges attending conference

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That the Supreme and Superior Courts of this Commonwealth are hereby authorized and empowered to call a conference at such time or times as they may deem wise of all the judges of the courts of oyer and terminer and the courts of quarter sessions and the Municipal Court of Philadelphia and generally any court now or hereafter empowered by law to try defendants charged with indictable offenses and which conference may adopt such rules as in their judgment may be deemed wise to expedite the trial of those charged with criminal offenses and standardize the procedure thereof and the Supreme and Superior Courts of this Commonwealth are further hereby authorized and empowered to promulgate and enforce such rules as are adopted in the manner herein prescribed Such rules so adopted shall not be inconsistent with statutory law The promulgation of such rules by the Chief Justice of the Supreme Court and the President Judge of the Superior Court shall be conclusive as to their formal adoption in accordance with the requirements of this act and when so promulgated shall be binding upon the courts of the Commonwealth

Section 2 The actual expenses of all judges attending such conference together with the actual expenses of such conference shall be paid by the Treasurer of the Commonwealth by warrant of the Auditor General in the usual manner

EXHIBIT 8.
FILE OF THE SENATE
No. 295 Session of 1929

A SUPPLEMENT

To an act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws four hundred twenty-seven) entitled "An Act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" fixing the time within which motions for new trials shall be made and offered

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That hereafter all motions for new trials and in arrest of judgment in criminal cases in the several courts of quarter sessions and oyer and terminer of this Commonwealth shall be made and offered within four days after verdict and not thereafter

EXHIBIT 9.
FILE OF THE SENATE
No. 293 Session of 1929

AN ACT

Authorizing the trial of certain criminal cases by the court without a jury regulating such trials and conferring jurisdiction upon the several courts in such cases

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That in all criminal cases except murder triable in the courts of this Commonwealth the defendant shall have the right to waive trial by jury by a writing of substantially the character hereinafter set forth and elect to be tried by the court without a jury

Section 2 All waivers of trial by jury must be made in open court after the defendant has been arraigned and notified by the court or by the district attorney of his right to elect to be tried by the presiding judge without a jury and if he has counsel or desires the assistance of counsel after he has had an opportunity to consult such counsel and

where a waiver is filed the fact of arraignment notice and of the opportunity to consult counsel shall be stated of record in such waiver and shall be conclusive

Section 3 The written waiver of trial by jury shall be substantially in the following form "I..... defendant charged with..... having been arraigned given an opportunity to consult counsel and notified of my right to trial by a judge without a jury hereby voluntarily waive and relinquish my right to a trial by jury and elect to be tried by a judge of the court in which my cause is pending I fully understand that under the laws of Pennsylvania I have a constitutional right to a trial by jury and I have neither been solicited nor urged by any official (my own counsel excepted) to waive the right"

Section 4 Any judge of the court in which the cause is pending wherein a waiver of trial by jury is filed shall have jurisdiction to hold the trial and shall proceed to hear try and determine all issues of law and fact and to render a general verdict in like manner as if the defendant had put himself upon the inquest or country for trial and his cause were being tried before a jury and such waiver shall also vest in the presiding judge the right privilege and duty to do any other act matter or thing which otherwise the jury would or could have done under the common law or by virtue of any statute now in force or hereafter enacted

Section 5 All acts and parts of acts inconsistent with this act are hereby repealed

EXHIBIT 9-B.

AMENDMENTS TO SENATE BILL No. 293

Mr. Buckman

(In Committee)

Amend bill by striking out all of Section 2 and inserting in lieu thereof the following section and adding and inserting Section 3 as stated below, making present Sections 3, 4 and 5 Sections 4, 5 and 6.

Section 2. All waivers of trial by jury must be made in open court after the defendant has been arraigned and notified by the court or by the district attorney of his right

to elect to be tried by the presiding judge without a jury, and if he has counsel or desires the assistance of counsel, after he has had an opportunity to consult such counsel. Provided, however, that at and during the time when the waiver is made, in accordance with the provisions of this Act, the panel of jurors shall not be present in the court room.

Section 3. Where a waiver is filed, the fact of notice and of the opportunity to consult counsel shall be stated of record in such waiver and shall be conclusive.

EXHIBIT 10.
FILE OF THE SENATE
No. 317 Session of 1929

AN ACT

Authorizing the sentencing of persons convicted for a second or subsequent offense of certain crimes to additional prison terms and to imprisonment for life

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That any person who after having been convicted within or without this Commonwealth of the crime or attempt to commit the crime of treason murder voluntary manslaughter sodomy buggery burglary entering with intent to steal robbery arson mayhem kidnapping sale of narcotics perjury abortion pandering incest or any offense committed or attempted to be committed through the instrumentality of or with the aid of a deadly weapon or gunpowder or other explosive substance or corrosive fluid may upon conviction of any of such crimes for a second or subsequent offense be sentenced to imprisonment for a term the maximum of which shall not be more than twice the longest term prescribed upon a first conviction for the crime in question

Section 2 A person who after having been three times convicted within or without this Commonwealth of crimes of the character above set forth or of attempt to

commit any such crimes shall upon conviction of any such crimes for a fourth or subsequent offense be sentenced in the discretion of the judge trying the case to imprisonment in a State penitentiary for the term of his natural life

Section 3 If at any time within two years either after conviction or sentence it shall appear that a person convicted of any of the crimes set forth in section one of this act has previously been convicted of any such crimes three or more times it shall be the duty of the district attorney of the county in which the last conviction was had to file an information accusing the said person of such previous convictions and to serve a copy of such information upon the defendant thirty days before taking any further proceedings in court as hereinafter set forth Thereupon the court in which the last conviction was had shall cause the said person whether confined in prison penitentiary or otherwise to be brought before it and shall inform him of the allegations contained in such information and of his right to be tried as to the truth thereof according to law and shall require such offender to say whether he is the same person as charged in such information or not If he says he is not the same person or refuses to answer or remains silent his plea or the fact of his silence shall be entered on record and a jury shall be empanelled to inquire whether the offender is the same person mentioned in the several records as set forth in such information If the jury finds that he is the same person or if he acknowledges or confesses in open court after being duly cautioned as to his rights that he is the same person the court may sentence him to imprisonment for life prescribed in section two of this act and shall vacate any previous sentence notwithstanding that the term of court in which the last sentence was imposed may have expired such sentence shall be reviewable on appeal by the Supreme or Superior Courts not only as to alleged legal errors but also as to the justice thereof whenever it shall become known to any warden or prison probation parole or police officer or other peace officer that any person charged with or convicted of crime has been previously convicted within the meaning of this act it shall become his duty forthwith to report the facts to the district attorney of the county

Section 4 A person need not be formally indicted and convicted as a previous offender in order to be sentenced under this act

EXHIBIT 10-B.

FILE OF THE SENATE

No. 317 Session of 1929

Strike out in [] Insert in *Italics*

AN ACT

Authorizing the sentencing of persons convicted for a second or subsequent offense of certain crimes to additional prison terms and to imprisonment for life

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That any person who after having been convicted within or without this Commonwealth of the crime or attempt to commit the crime of treason murder voluntary manslaughter sodomy buggery burglary entering with intent to steal robbery arson mayhem kidnapping sale of narcotics perjury abortion pandering incest or any offense committed or attempted to be committed through the instrumentality of or with the aid of a deadly weapon or gunpowder or other explosive substance or corrosive fluid may upon conviction of any of such crimes for a second offense committed within [ten] five years after the first offense or subsequent offense committed within [ten] five years after the prior offense be sentenced to imprisonment for a term the maximum of which shall not be more than twice the longest term prescribed upon a first conviction for the crime in question

Section 2 A person who after having been three times convicted within or without this Commonwealth of crimes of the character above set forth or of attempt to commit any such crimes shall upon conviction of any such crimes for a fourth or subsequent offense committed within [ten] five years after the prior offense be sentenced in the discretion of the judge trying the case to imprisonment in a State penitentiary for the term of his natural life

Section 3 In computing the period of time between convictions as provided in sections one and two of this act any period of servitude by a person in a penal institution

within or without this Commonwealth shall not be included in the computation of any of said five year periods It is hereby declared that the intent of said sections is that said five year periods shall run only during the time any such person was at liberty

Section [3] 4 If at any time within two years either after conviction or sentence it shall appear that a person convicted of any of the crimes set forth in section one of this act has previously been convicted of any such crimes three or more times it shall be the duty of the district attorney of the county in which the last conviction was had to file an information accusing the said person of such previous convictions and to serve a copy of such information upon the defendant thirty days before taking any further proceedings in court as hereinafter set forth Thereupon the court in which the last conviction was had shall cause the said person whether confined in prison penitentiary or otherwise to be brought before it and shall inform him of the allegations contained in such information and of his right to be tried as to the truth thereof according to law and shall require such offender to say whether he is the same person as charged in such information or not If he says he is not the same person or refuses to answer or remains silent his plea or the fact of his silence shall be entered on record and a jury shall be empanelled to inquire whether the offender is the same person mentioned in the several records as set forth in such information If the jury finds that he is the same person or if he acknowledges or confesses in open court after being duly cautioned as to his rights that he is the same person the court may sentence him to imprisonment for life prescribed in section two of this act and shall vacate any previous sentence notwithstanding that the term of court in which the last sentence was imposed may have expired such sentence shall be reviewable on appeal by the Supreme or Superior Courts not only as to alleged legal errors but also as to the justice thereof and where any such defendant is indigent the costs of appeal together with reasonable counsel fee shall be paid by the Commonwealth Whenever it shall become known to any warden or prison probation parole or police officer or other peace officer that any person charged with

or convicted of crime has been previously convicted within the meaning of this act it shall become his duty forthwith to report the facts to the district attorney of the county

Section [4] 5 A person need not be formally indicted and convicted as a previous offender in order to be sentenced under this act

.....
President pro tempore of the Senate.

.....
Speaker of the House of Representatives.

Approved—The.....Day of.....A. D. 1929.

.....

EXHIBIT 11.

FILE OF THE SENATE

No. 285 Session of 1929

AN ACT

To amend section six of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-five) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" as amended

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That section six of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-five) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing

convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" which was amended by the act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred seventy-five) entitled "An act to amend section six of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-five) entitled 'An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries' " is hereby further amended to read as follows

Section 6 Whenever any person convicted in any court of this Commonwealth of any crime punishable by imprisonment in a State penitentiary shall be sentenced to imprisonment therefor in any penitentiary or other institution of this State or in any county of municipal institution the court instead of pronouncing upon such a convict a definite or fixed term of imprisonment shall pronounce upon such convict a sentence of imprisonment for an indefinite term Stating in such sentence the minimum and maximum limits thereof and the maximum limit shall never exceed the maximum time now or hereafter prescribed as a penalty for such offense [and the minimum limit shall never exceed one-half of the maximum sentence prescribed by any court]

Provided That nothing herein contained shall be construed to derogate from the power of the judges of the courts of quarter sessions and of the courts of oyer and terminer or other courts of record having jurisdiction of the several judicial districts of the Commonwealth after due inquiry to release on parole any convict confined in the county jail house of correction or workhouse of their respective districts as provided in section one of an act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-

nine) entitled "An act extending the power of judges of courts of quarter sessions and of oyer and terminer in relation to releasing prisoners in jails and workhouses on parole" its amendments and supplements And provided further That no person sentenced for an indeterminate term shall be entitled to any benefits under the act entitled "An act providing for the commutation of sentences for good behavior of convicts in prisons penitentiaries workhouses and county jails in this State and regulations governing the same" approved the eleventh day of May Anno Domini one thousand nine hundred and one

And provided further That before any parole shall be granted pursuant to the terms hereof notice of an intention so to do shall be given at least ten days prior thereto by the board of prison inspectors to the judge of the county who imposed the sentence if he be still in office but otherwise to the judge or judges of the court of oyer and terminer or the court of quarter sessions then in session or if there be no current term then to the next ensuing term thereof and having jurisdiction of cases of the like character Similar notice shall also be given to the district attorney then in office in said county

EXHIBIT 12.

FILE OF THE SENATE

No. 296 Session of 1929

A SUPPLEMENT

To an act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws four hundred twenty-seven) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" by regulating the disposition and decision of motions in criminal cases

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That in all criminal cases now pending or hereafter to be brought

All motions that may be made before or incidental to trial such as demurrer to the indictment or to any part thereof a motion to quash or a motion for a bill of particulars shall be deemed to have been decided by the court

against the party or parties on whose behalf the same may be made and shall be so noted on the record of the case unless within four days after such motion is made the court shall otherwise finally dispose thereof for the purpose of the trial or within that period shall in writing stating the reasons therefor extend the period from time to time for such disposition though never for more than four days at one extension

All motions that may be made after verdict shall be deemed to have been decided by the court against the party or parties on whose behalf the same may be made and shall be so noted on the record of the case unless within thirty days after such motion is made the court shall otherwise finally dispose thereof or within that period shall in writing stating the reasons therefor extend the period from time to time for such disposition though never for more than thirty days at one extension

Section 2 On appeal where now or hereafter allowed by law error may be assigned to any disposition of such motion or motions noted on the record of the case without necessity of excepting thereto

EXHIBIT 13.

FILE OF THE HOUSE OF REPRESENTATIVES

No. 570 Session of 1929

AN ACT

To amend section seventy-nine of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" increasing the penalty for involuntary manslaughter

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That section seventy-nine of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" is hereby amended to read as follows

Section 79 If any person shall be charged with involuntary manslaughter happening in consequence of an unlawful act it shall and may be lawful for the district attorney with the leave of the court to waive the felony and to proceed against and charge such person with a misdemeanor and to give in evidence any act or acts of manslaughter and such person on conviction shall be sentenced to pay a fine not exceeding one thousand dollars and to suffer an imprisonment not exceeding [two] five years or the district attorney may charge both wilful and involuntary manslaughter in the same indictment in which case the jury may acquit the party of one and find him or her guilty of the other charge

Section 2 The provisions of this shall not apply to crimes committed before the passage hereof but all such crimes shall be prosecuted as heretofore under the provisions of the section to which this act is an amendment

EXHIBIT 13-A.

FILE OF THE SENATE

No. 292 Session of 1929

AN ACT

To amend section seventy-nine of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" increasing the penalty for involuntary manslaughter

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That section seventy-nine of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" is hereby amended to read as follows

Section 79 If any person shall be charged with involuntary manslaughter happening in consequence of an unlawful act it shall and may be lawful for the district attorney with the leave of the court to waive the felony and to proceed against and charge such person with a mis-

demeanor and to give in evidence any act or acts of manslaughter and such person on conviction shall be sentenced to pay a fine not exceeding one thousand dollars and to suffer an imprisonment not exceeding [two] [(five)] three years or the district attorney may charge both wilful and involuntary manslaughter in the same indictment in which case the jury may acquit the party of one and fine him or her guilty of the other charge

Section 2 The provisions of this act shall not apply to crimes committed before the passage hereof but all such crimes shall be prosecuted as heretofore under the provisions of the section to which this act is an amendment

.....
President pro tempore of the Senate.

.....
Speaker of the House of Representatives.

Approved—The day of A. D. 1929.

EXHIBIT 14.

FILE OF THE SENATE

No. 272 Session of 1929

AN ACT

Providing for and regulating the subpoena of witnesses to testify in criminal actions pending in any State of the United States of America and providing for penalties for any violations of the same

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That if a judge of a court of record in any State of the United States of America which by its laws has made provision for commanding persons within its borders to attend and testify in any criminal actions in this State certifies under the seal of such court that there is a criminal action pending in such court or before any magistrate alderman or justice of the peace of such State

wherein the defendant is charged with a crime whether a felony or misdemeanor and that a person residing or being within this State is believed to be a material and necessary witness in such action a judge of record in this State upon the presentation of such certificate and such proof of the materiality and necessity of such witness as he may require opportunity being given such witness to appear before such judge and be heard in opposition thereto and upon request so to do by the clerk of the court issuing such certificate shall issue and attach to such certificates a subpoena commanding such witness to appear and testify in the court or before the magistrate alderman or justice of the peace where such criminal action is pending at the time and place to be stated therein

Section 2 If any person on whom such subpoena has been served in the manner provided by this act having been tendered by the party asking for the subpoena the sum of ten cents for each mile to be traveled to and from such court and the sum of five dollars for each day that his attendance is required the number of days to be specified in the subpoena shall unreasonably neglect to attend and testify at such court or before a magistrate alderman or justice of the peace he shall be punished in the manner provided for the punishment of disobedience of any other subpoena issued from a clerk of a court of record in this State provided however that the laws of the State in which the trial is to be held give to persons coming in the State under such subpoena protection from the service of papers and arrest

EXHIBIT 14-C.

This bill would provide that residents of Pennsylvania might be subpoenaed to appear as witnesses in the criminal courts of any other state of the United States which, by its laws, has made provision for commanding its residents to appear as witnesses in criminal cases in Pennsylvania. The bill would permit Pennsylvania witnesses to be subpoenaed to other states to testify in cases in which the defendants are charged either with felonies or misdemeanors. There is no limit to the distance to which any Pennsylvania resident might be required to travel in obedience to a subpoena issued under the provisions of the bill. Witnesses are to be paid \$5.00 per diem and ten cents for each mile traveled.

I am heartily in favor of a reciprocal bill which would permit other states according similar co-operation with the criminal courts of this State to subpoena residents to testify within respective jurisdictions. However, the present bill does not properly safeguard residents of this State against the abuse of the privilege which the bill would confer. Our residents should not be required to leave the jurisdiction to testify in criminal cases in which the defendants are charged only with misdemeanors, nor should a bill requiring residents of Pennsylvania to go to other states to testify fail to place a proper limit upon the distance which they may be required to travel in response to a subpoena. It would be preposterous to permit a resident of this State to be compelled to go to the Pacific Coast to appear as a witness in a civil case, receiving only \$5.00 a day and ten cents per miles for the distance traveled.

I am informed that the Conference of Commissioners on Uniform State Laws is working upon a uniform act covering the subject matter of this bill, and it would be well for Pennsylvania to await the completion of the proposed uniform act before enacting any legislation on this subject. Such legislation must necessarily be reciprocal, and it ought to be uniform.

For these reasons the bill is not approved.

EXHIBIT 15.

FILE OF THE SENATE

No. 309 Session of 1929

AN ACT

Creating a State Board of Parole Commissioners within the Department of Justice establishing the office of State Supervisor of Paroles and Secretary of the State Board of Parole Commissioners and prescribing the powers and duties of each

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That there is hereby created in the Department of Justice a State Board of Parole Commissioners consisting of nine members who shall be appointed by the Governor within ninety days after this act shall take effect One member at all times shall be the Attorney Gen-

eral another the Secretary of Welfare another a member of the board of trustees of the Eastern Penitentiary another a member of the board of trustees of the Western Penitentiary another a member of the board of trustees of the Central Penitentiary another a member of the board of trustees of the Pennsylvania Industrial Reformatory another a district attorney another a judge of a court of record having jurisdiction in criminal cases and another a psychiatrist or person trained in or thoroughly familiar with methods of social case work Any three of the members originally appointed to said board shall be appointed for terms of two years each Any three of the members shall be appointed for terms of four years each any three of the members shall be appointed for terms of six years each All further appointments made at the expiration of terms so specified shall be for terms of six years each and until their successors are appointed and qualified

The members of said board shall serve without compensation but their necessary traveling expenses and hotel bills while actually attending to the business of the board shall be considered part of the expense of said board

Section 2 There is hereby created the office of State Supervisor of Paroles and Secretary of the State Board of Parole Commissioners Within thirty days after its organization the State Board of Parole Commissioners shall appoint a duly qualified person to this office at an annual salary of seven thousand five hundred dollars which shall be included in the budget of the Department of Justice Said Supervisor shall be responsible to said Board and subject to discharge at its pleasure The State Board of Parole Commissioners shall appoint such clerical assistance and stenographers as are deemed necessary to carry on the work of the board and the State Supervisor of Paroles

Section 3 Every prisoner released on parole by said boards shall be committed to the custody of said supervisor and is hereby required to make such reports in person and in writing and to fulfill such conditions as he may direct

Section 4 The State Board of Parole Commissioners shall choose a chairman from among its own members It shall meet thereafter at the call of the chairman but not less frequently than once in every three months It is hereby granted the following powers and duties (a) It shall establish standards to govern the selection of field agents for the

supervision of prisoners on parole and to govern the supervision of prisoners on parole (b) It shall direct the Supervisor of Paroles to prepare and submit to the warden of each penitentiary and to the Superintendent of the Pennsylvania Industrial Reformatory forms upon which shall be recorded a detailed statement concerning every prisoner paroled from said institutions into the custody of said Supervisor (c) It shall consider ways and means of coordinating the pardon and parole work of the State (d) It shall keep itself informed concerning methods used in preparing and selecting parolees in the penal institutions of the State and shall present to the Governor and to the Legislature a biennial report recommending whatever changes it deems advisable for the improvement of the parole system as a whole when necessary proposing legislative measures to carry its recommendations into effect

Section 5 The State Supervisor of Paroles shall have the following powers and duties He shall serve as Secretary of the State Board of Parole Commissioners and shall keep a full record of its proceedings He shall divide the State into as many geographical districts as may be necessary for the adequate supervision of prisoners hereafter to be paroled from the State penitentiaries and the Pennsylvania Industrial Reformatory He may from time to time change the area location and number of such districts He shall employ and direct as field agents persons fulfilling the requirements established by the State Board of Parole Commissioners and shall assign one or more of such agents to such geographical district Authority is hereby conferred upon him to discharge such agents at his pleasure He shall co-operate with the police officers of the State and of its several political subdivisions by supplying them with complete information concerning any paroled prisoner who has failed to observe the conditions of his parole At the request of the board of trustees of any of the penitentiaries or of the Pennsylvania Industrial Reformatory he shall direct the field parole agents under his supervision to secure detailed information concerning the personal family social and industrial history of any prisoner and his probable environment during parole and shall submit such information to said board within a reasonable time At the request of the Secretary or any member of the State Board of Pardons he shall direct the field agents under his supervision to se-

cure whatever information may be desired concerning the history offense and probable future environment of any applicant for executive clemency

Section 6 The State Board of Parole Commissioners and the State Supervisor of Paroles shall be provided with offices in Harrisburg and shall be furnished with the necessary office equipment and supplies by the Department of Property and Supplies on requisition of the Attorney General

Section 7 Nothing in this act shall apply to dependent neglected incorrigible or delinquent children

Section 8 Nothing herein contained shall be construed to derogate from the power of the judges of the courts of quarter sessions and of the courts of oyer and terminer or other court of record having jurisdiction of the several judicial districts of the Commonwealth after due inquiry to release on parole any convict confined in the county jail house of correction or workhouse in their respective districts as provided in section one of an act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-nine) entitled "An act extending the powers of judges of courts of quarter sessions and of oyer and terminer in relation to releasing prisoners in jails and workhouses on parole" its amendments and supplements and nothing herein shall be construed to derogate from the power of boards of trustees of State penal institutions to make recommendations for paroles to the Board of Pardons or from the paroling power of the Board of Pardons or of the Governor

Section 10 All acts or parts of acts general special or local inconsistent herewith be and the same are hereby repealed

EXHIBIT 15-A.

FILE OF THE SENATE

No. 307 Session of 1929

AN ACT

Providing the procedure and the powers of the State Supervisor of Paroles and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole and fixing the penalty for such violation

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That whenever it shall appear to the State Supervisor of Paroles that a person who has been sentenced under the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-five) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" and its amendments and released on parole by commutation containing a condition that the convict shall be subject to the terms of said act has violated the terms of his or her parole he shall issue a warrant for the arrest of said person which warrant shall give all officers authorized by law to make arrest full authority to apprehend and detain said convict And such officer upon the arrest of said convict shall notify the State Supervisor of Paroles who shall notify the warden of the penitentiary from which said convict was released on parole to send an officer to return him to said penitentiary The State Supervisor shall forthwith submit to the trustees of said penitentiary a report of violations of parole of said convict

Section 2 Upon said convict being returned to the penitentiary he or she shall be given an opportunity to appear before its board of trustees and if said board after considering the report of the Supervisor of Paroles shall find that said parole has not been broken it shall notify the Supervisor of Paroles whereupon the prisoner shall be released and continue subject to the terms of said parole But if it be found that said parole has been broken said board shall declare such convict delinquent after which a full report of the said case shall be forwarded immediately to the Governor who thereupon may issue his mandate reciting the date of commutation for the recommitment of such convict for breach of parole to the penitentiary of original commitment to be imprisoned in said penitentiary for

the remainder of a period equal to the unexpired maximum term of such prisoner as originally sentenced (computing the same from the date of arrest for breach of parole) unless sooner released on parole or pardoned but if the Governor shall disapprove the finding of the board of trustees the said prisoner shall be released upon the conditions of his original parole

EXHIBIT 15-B.

FILE OF THE SENATE

No. 308 Session of 1929

AN ACT

Relating to persons paroled from the Pennsylvania Industrial Reformatory at Huntingdon and regulating the procedure when such persons violate the terms of paroles and the effect of such violations

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That whenever an inmate of the Pennsylvania Industrial Reformatory at Huntingdon is paroled and thereafter when on parole shall in any manner violate the same the State Supervisor of Paroles shall issue a warrant for his arrest in the same manner as in the case of prisoners on parole from State penitentiaries Upon his return he shall be given a hearing by the board of trustees and if said board shall find that said parole has not been broken it shall notify said Supervisor of Paroles whereupon the prisoner shall be released and continue subject to the terms of said parole But if it be found that said parole has been broken said prisoner may be required to serve the unexpired term of his possible maximum sentence at the discretion of the board of trustees and the time from the date of his declared delinquency to the date of his return to the reformatory shall not be counted as any part or portion of such sentence

It shall be the duty of any person authorized by law to execute criminal process to arrest and deliver such paroled prisoner to the reformatory at Huntingdon The cost of executing such warrant and delivering the prisoner to the reformatory shall be paid by the board of trustees

EXHIBIT 15-F.
FILE OF THE SENATE
No. 309 Session of 1929

Strike out in [] Insert in *Italics*

AN ACT

[Creating a State Board of Parole Commissioners within the Department of Justice establishing the office of State Supervisor of Paroles and Secretary of the State Board of Parole Commissioners and prescribing the powers and duties of each]

Conferring and imposing certain powers and duties upon the State Board of Pardons with respect to inmates of State penal and correctional institutions released on parole

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That [there is hereby created in the Department of Justice a State Board of Parole Commissioners consisting of nine members who shall be appointed by the Governor within] [ninety days after this act shall take effect One member at all times shall be the Attorney General another the Secretary of Welfare another a member of the board of trustees of the Eastern Penitentiary another a member of the board of trustees of the Western Penitentiary another a superintendent of some State institution [member of the board of trustees of the Central Penitentiary] another a member of the board of trustees of the Pennsylvania Industrial Reformatory another a district attorney another a judge of a court of record having jurisdiction in criminal cases and another a psychiatrist or person trained in or thoroughly familiar with methods of social case work Any three of the members originally appointed to said board shall be appointed for terms of two years each Any three of the members shall be appointed for terms of four years each any three of the members shall be appointed for terms of six years each All further appointments made at the expiration of terms so specified shall be for terms of six years each and until their successors are appointed and qualified

The members of said board shall serve without compensation but their necessary traveling expenses and hotel bills while actually attending to the business of the board shall be considered part of the expense of said board

Section 2 There is hereby created the office of State Supervisor of Paroles and Secretary of the State Board of Parole Commissioners Within thirty days after its organization the State Board of Parole Commissioners shall] [appoint a duly qualified person to this office at an annual salary of seven thousand five hundred dollars which shall be included in the budget of the Department of Justice Said Supervisor shall be responsible to said Board and subject to discharge at its pleasure The State Board of Parole Commissioners shall appoint such clerical assistance and stenographers as are deemed necessary to carry on the work of the board and the State Supervisor of Paroles

Section 3 Every prisoner released on parole by said boards shall be committed to the custody of said supervisor and is hereby required to make such reports in person and in writing and to fulfill such conditions as he may direct

Section 4 The State Board of Parole Commissioners shall choose a chairman from among its own members It shall meet thereafter at the call of the chairman but not less frequently than once in every three months It is hereby] [granted] the Board of Pardons of this Commonwealth shall have jurisdiction to supervise the conduct during the period of parole of all prisoners released on parole from the State penitentiaries and the Pennsylvania Industrial Reformatory For the purpose of carrying out the provisions of this act the Attorney General may appoint for the work of the Board hereunder a Supervisor of Paroles and such field agents as may be necessary whose compensation shall be fixed as provided by law in the case of other employes of the Department of Justice

Section 2 The Board of Pardons shall have the following powers and duties (a) It shall establish standards to govern the selection of field agents for the supervision of prisoners on parole and to govern the supervision of prisoners on parole (b) It shall [direct the Supervisor of Paroles] [to] prepare and [submit] furnish to the warden of each penitentiary and to the Superintendent of the Pennsylvania Industrial Reformatory forms upon which shall be recorded a detailed statement concerning every prisoner paroled from said institutions [into the custody of said Supervisor] (c) It shall consider ways and means of co-

ordaining the pardon and parole work of the State (d) It shall keep itself informed concerning methods used in preparing and selecting parolees in the penal institutions of the State and shall [present] recommend to the Governor [and] for presentation to the Legislature [a biennial report] [recommending] whatever changes it deems advisable for the improvement of the parole system as a whole [when necessary proposing legislative measures to carry its recommendations into effect] (e) It shall [direct the Supervisor of Paroles to furnish and submit] cause to be furnished to the warden of each penitentiary and to the Superintendent of the Pennsylvania Industrial Reformatory such information as may be requested by them to determine the time that prisoners shall be continued on parole to determine the kind and character of employment offered to applicants for parole and the reliability of the intended employer

[Section 5 The State Supervisor of Paroles shall have the following powers and duties He shall serve as Secretary of the State Board of Parole Commissioners and shall keep a full record of its proceedings He] (f) It shall divide the State into as many geographical districts as may be necessary for the adequate supervision of prisoners hereafter to be paroled from the State penitentiaries and the Pennsylvania Industrial Reformatory [He] and may from time to time change the area location and number of such districts [He shall employ and direct as field agents persons fulfilling the requirements established by the State Board of Parole Commissioners and shall] It may assign one or more [of such] field agents to [such] each geographical district [Authority is hereby conferred upon him to discharge such agents at his pleasure He]

Section 3 All employees of the Department of Justice assigned to the Board of Pardons hereunder shall co-operate with the police officers of the State and of its several political subdivisions by supplying them with complete information concerning [any paroled prisoner] the character and business responsibility of any proposed employer of [such] any paroled prisoner and concerning any such prisoner who has failed to observe the conditions of his

parole At the [request] request of the board of trustees of any of the penitentiaries or of the Pennsylvania Industrial Reformatory [he] it shall direct the field [parole agents under his supervision to secure detailed in] parole agents under [his] its supervision to secure detailed information concerning the personal family social and industrial history of any prisoner and his probable environment during parole and shall submit such information to said board within a reasonable time [At the request of the Secretary or any member of the State Board of Pardons he shall direct the field agents under his supervision to secure whatever information may be desired concerning the history offense and probable future environment of any applicant for executive clemency]

Section 6 The State Board of Parole Commissioners and the State Supervisor of Paroles shall be provided with offices in Harrisburg and shall be furnished with the necessary office equipment and supplies by the Department of Property and Supplies on requisition of the Attorney General]

Section 4 The Board of Pardons shall invite a representative of each State penitentiary and of the Pennsylvania Industrial Reformatory to sit with it whenever it is considering any matters which this act requires it to consider

Section 5 Every prisoner of a State penitentiary or of the Pennsylvania Industrial Reformatory hereafter released on parole shall be committed to the custody of such person as shall be designated by the Board of Pardons and shall make such reports in writing and fulfill such conditions as the Board may direct

Section [7] 6 Nothing in this act shall apply to dependent neglected incorrigible or delinquent children.

Section [8] 7 Nothing herein contained shall be construed to derogate from the power of the judges of the courts of quarter sessions and of the courts of oyer and terminer or other court of record having jurisdiction of the several judicial districts of the Commonwealth after due inquiry to release on parole any convict confined in the county jail house of correction or workhouse in their respective districts as provided in section one of an act ap-

proved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-nine) entitled "An act extending the powers of judges of courts of quarter sessions and of oyer and terminer in relation to releasing prisoners in jails and workhouses on parole" its amendments and supplements and nothing herein shall be construed to derogate from the power of boards of trustees of State penal institutions to make recommendations for paroles to the Board of Pardons or from the paroling power of the Board of Pardons or of the Governor and nothing herein contained shall be construed to derogate from the power and authority of the board of trustees of the Pennsylvania Industrial Reformatory at Huntingdon to parole inmates

Section [10] [9] 8 All acts or parts of acts general special or local inconsistent herewith be and the same are hereby repealed

.....
President pro tempore of the Senate.

.....
Speaker of the House of Representatives.

Approved—the.....Day of.....A. D. 1929.

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EXHIBIT 15-G.

FILE OF THE SENATE

No. 307 Session of 1929

Strike out in [] Insert in *Italics*

AN ACT

Providing the procedure and the powers of the State [Supervisor of] [Paroles] *Board of Pardons* and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole and fixing the penalty for such violation

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the*

authority of the same That whenever it shall appear to the State [Supervisor of Paroles] Board of Pardons that a person who has been sentenced under the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-five) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" and its amendments and released on parole by commutation containing a condition that the convict shall be subject to the terms of said act has violated the terms of his or her parole [he] it shall [issue] cause a warrant to be issued for the arrest of said person which warrant shall give all officers authorized by law to make arrest full authority to apprehend and detain said convict And such officer upon the arrest of said convict shall notify the [State Supervisor of Paroles] Board of Pardons who shall notify the warden of the penitentiary from which said convict was released on parole to send an officer to return him to said penitentiary The [State Supervisor] Board of Pardons or its duly authorized representative shall forthwith submit to the trustees of said penitentiary a report of violations of parole of said convict

Section 2 Upon said convict being returned to the penitentiary he or she shall be given an opportunity to appear before its board of trustees and if said board after considering the report of the [Supervisor of Paroles] Board of Pardons shall find that said parole has not been broken it shall notify the [Supervisor of Paroles] Board of Pardons whereupon the prisoner shall be released and continue subject to the terms of said parole But if it be found that said parole has been broken said board shall declare such convict delinquent after which a full report of the said case shall be forwarded immediately to the Governor who thereupon may issue his mandate reciting the date of commutation for the recommitment of such

convict for breach of parole to the penitentiary of original commitment to be imprisoned in said penitentiary for the remainder of a period equal to the unexpired maximum term of such prisoner as originally sentenced (computing the same from the date of arrest for breach of parole) unless sooner released on parole or pardoned but if the Governor shall disapprove the finding of the board of trustees the said prisoner shall be released upon the conditions of his original parole

.....
President pro tempore of the Senate.

.....
Speaker of the House of Representatives.

Approved—The.....Day of.....A. D. 1929.

.....

EXHIBIT 15-H.

FILE OF THE SENATE

No. 308 Session of 1929

Strike out in [] Insert in *Italics*

AN ACT

Relating to persons paroled from the Pennsylvania Industrial Reformatory at Huntingdon and regulating the procedure when such persons violate the terms of paroles and the effect of such violations

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That whenever an inmate of the Pennsylvania Industrial Reformatory at Huntingdon is paroled and thereafter when on parole shall in any manner violate the same the State [Supervisor of Paroles] Board of Pardons or the board of trustees of the said Pennsylvania Industrial Reformatory shall [issue] cause a warrane to be issued for the arrest of said person which warrant shall give all officers authorized by law to make arrests full authority

to apprehend and detain said inmate and such officer upon the arrest of said inmate shall notify the [State Supervisor of] Board of Pardons [Paroles] who shall notify the Superintendent of the Pennsylvania Industrial Reformatory from which said inmate was released on parole to send an officer to return him to said reformatory The [State Supervisor] Board of Pardons or its duly authorized representative shall forthwith submit to the trustees of said reformatory a report of violation of parole of said inmate [his arrest in the same manner as in the case of prisoners on parole from State penitentiaries] Upon his return he shall be given a hearing by the board of trustees and if said board shall find that said parole has not been broken it shall notify [said Supervisor of Pardons] Board of Pardons whereupon the prisoner shall be released and continue subject to the terms of said parole But if it be found that said parole has been broken said prisoner may be required to serve the unexpired term of his possible maximum sentence at the discretion of the board of trustees and the time from the date of his declared delinquency to the date of his return to the reformatory shall not be counted as any part or portion of such sentence

[It shall be the duty of any person authorized by law to execute criminal process to arrest and deliver such paroled prisoner to the reformatory at Huntingdon] The cost of executing such warrant [and delivering the prisoner to the reformatory] shall be paid by the board of trustees

.....
President pro tempore of the Senate.

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Speaker of the House of Representatives.

Approved—The.....Day of.....A. D. 1929.

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EXHIBIT 16-A.
FILE OF THE SENATE
No. 688 Session of 1929

Strike out in [] Insert in *Italics*
 AN ACT

To control regulate and license the sale possession and carrying of pistols revolvers machine guns automatic rifles automatic shot guns and riot guns to prohibit the manufacture sale possession or carrying of certain other dangerous firearms weapons and substances within this State to prohibit the possession and use of silencers to provide for confiscation and destruction of certain weapons in certain cases to prohibit the ownership or possession of certain weapons by certain classes of persons providing for licenses to persons to possess or carry concealed pistols revolvers machine guns and automatic rifles automatic shot guns and riot guns to provide for license and registration of dealers in pistols and revolvers and regulation of sales thereunder requiring persons in possession of pistols and revolvers and certain other firearms to apply for licenses providing for costs of licenses to individuals and dealers to prescribe penalties for commission of certain crimes while armed with certain weapons and penalties for other violations of this act and increased penalties for repeated violations thereof to repeal all acts or parts of acts inconsistent herewith

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That on and after the date upon which this act takes effect every person who within the State of Pennsylvania manufactures or causes to be manufactured or imports into the State or keeps for sale or offers or exposes for sale or who gives lends leases or possesses any instrument or weapon of the kind commonly known as a [blackjack] sling-shot billy handy-billy sand-club sand-bag metal knuckles or bludgeon shall be guilty of a felony and shall on conviction be sentenced to pay a fine not exceeding one thousand dollars and to undergo an imprisonment by separate or solitary confinement at labor not exceeding five years provided however that nothing in this act shall prohibit police officers special police officers peace officers or law enforcement officers from carrying any wooden club baton or any equipment authorized by the properly constituted authorities for the enforcement of law or ordinance in any town municipality county and city in the State of Pennsylvania

Section 2 That on and after the date upon which this act takes effect every person who within the State of

Pennsylvania manufactures or causes to be manufactured or who imports into the State or who keeps for sale or offers or exposes for sale or who gives lends leases or possesses any machine gun automatic rifle or automatic shot-gun having a barrel of less than twenty-four inches or riot gun or shot-gun having a barrel of less than twenty-four inches in length or rifle having a barrel of less than fifteen inches in length shall be guilty of a felony and shall on conviction be sentenced to pay a fine not exceeding one thousand dollars and to undergo an imprisonment by separate or solitary confinement at labor not exceeding five years provided further that nothing in this section referring to machine guns and automatic rifles shall prohibit the manufacture for and the sale to the United States Government or political sub-divisions thereof or to Foreign Governments or the possession and use of the same by members of the army navy or marine corps of the United States or of the National Guard or organized reserve or to the Post Office Department of the United States or to duly appointed or elected law enforcement officers nor to banking institutions established under the laws of this State or of the United States or the public carriers who are engaged in the business of transporting mail money securities or other valuables provided further however that a permit to possess and carry concealed such machine gun or automatic rifle or automatic shot guns and riot guns is first secured by the banking institutions or public carriers above referred to in accordance with the provisions of this act for the licensing of pistols and revolvers

Section 3 On or after the date upon which this act takes effect any person who shall within this State manufacture sell purchase or possess except for military or police purposes any muffler silencer or device for deadening or muffling the sound of a firearm when discharged shall be guilty of a misdemeanor and shall on conviction thereof be sentenced to pay a fine not exceeding one thousand dollars and to undergo an imprisonment not exceeding one year

Section 4 On or after the date upon which this act takes effect any person except a duly appointed or elected law enforcement officer or a member of the army navy or marine corps of the United States or of the National Guard or organized reserves who possess or carries on or about his person or in a vehicle a bomb bomb-shell except for

blasting or other commercial use or who with the intent to use the same unlawfully against the person or property of another possesses or carries any explosive substance or any noxious liquid gas or substance except fixed ammunition shall be guilty of a felony and on conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars and to undergo imprisonment by separate or solitary confinement at labor not exceeding five years

Section 5 On or after the date upon which this act takes effect no unnaturalized foreign born person or no person who has been convicted in this State or elsewhere of a crime or violence shall own or have in his possession or under his custody or control any pistol revolver or other firearm "Crime of Violence" as used in this act means any of the following crimes or an attempt to commit any of the same murder manslaughter rape mayhem aggravated assault and battery assault with intent to kill robbery burglary breaking and entering with intent to commit a felony any person who shall violate the provisions of this section shall be guilty of a felony and on conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars and to undergo an imprisonment by separate or solitary confinement at labor not exceeding five years

Section 6 If any person shall commit or attempt to commit any crime of violence within this State while armed with any of the weapons mentioned in sections one two and four hereof or while armed with any pistol revolver or other firearm upon conviction of such crime of violence or of an attempt to commit such crime of violence he [shall] may in addition to the punishment prescribed for the crime of which he has been convicted be punishable by separate or solitary confinement at labor for not less than one nor more than [five] three years Such additional period of imprisonment shall commence upon the expiration or other termination of the sentence imposed for the crime of which he stands convicted and shall not run concurrently with such sentence [Upon a second conviction under like circumstances such additional period of imprisonment shall be for not less than five years nor more than fifteen years and upon a third conviction under like circumstances such additional period of imprisonment shall be for not less than ten nor for more than twenty years such terms of additional imprisonment to run consecutively as before Upon a fourth

or subsequent conviction under like circumstances the person so convicted may be imprisoned for life or for a term of years not less than twenty years within the discretion of the court wherein such fourth or subsequent conviction was had]

Section 7 Except as otherwise provided in this act it shall be unlawful for any person within this State to possess or have in his custody or control or within any vehicle in which he is an occupant any pistol revolver machine gun or automatic rifle automatic shot-gun having a barrel of less than twenty-four inches or riot gun without having a license to possess or carry concealed such firearm as hereinafter provided in section nine hereof Any person who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction be sentenced to pay a fine not exceeding five hundred dollars or to undergo an imprisonment not exceeding three years or both or either at the discretion of the court and if he has been convicted previously of any crime of violence or of any crime made punishable by this act he is guilty of a felony and upon conviction be sentenced to pay a fine not exceeding one thousand dollars and to undergo imprisonment by separate or solitary confinement at labor not exceeding five years

Section 8 The unlawful possession upon or about the person or within the vehicle of the carrier of any of the firearms weapons instruments appliances bombs pistols and revolvers mentioned in the preceding sections shall be a nuisance and such articles and substances shall be surrendered to the magistrate justice of the peace alderman or other committing authority before whom said person shall be taken except that in any city the same shall be surrendered to the head of the police force or police department thereof The officers to whom the same may be so surrendered except upon certificate of a judge of a court of record or of the district attorney of the county that the preservation thereof is necessary or proper to the ends of justice shall annually between the first and tenth days of January in each year destroy or cause to be destroyed such weapons and articles to such extent that the same shall become and be wholly and entirely ineffective for the use and purpose for which they were manufactured provided that in the event of any pistol revolver machine gun automatic rifle automatic shot gun or riot gun having been stolen and is

thereafter recovered from the thief or his transferee the same shall not be destroyed but shall be restored to the lawful owner thereof as soon as its use as evidence has been served after identification of the weapon and proof of ownership thereof

Section 9 It shall be lawful for the Director of Public Safety the superintendent chief or head of any police department or police force of any city of the first or second class and in any other city or county of this State for the clerk of the court of quarter sessions of such county upon proof before either of aforesaid persons that the person applying therefor is of good moral character and good repute and has a bona fide residence or place of business within the jurisdiction of the said licensing authority and that good cause exists for the issuance thereof to issue to such person a separate license (one) to possess at his place of residence or place of business or both or (two) to carry concealed a pistol or revolver for a period of [one year] *five years* from the date of such license or to issue said license when circumstances warrant for both purposes Such persons as may have been licensed to possess a pistol or revolver may not by reason thereof carry the same concealed and such weapon shall be kept and maintained at his place of residence or place of business as required by the license except upon such emergency as may arise requiring the temporary removal therefrom or the protection of persons or property therein Such persons as may have been licensed to carry concealed a pistol or revolver may by reason thereof possess the same at his place of business or place of residence as the circumstances require All applications for such licenses shall be filed in writing signed by the applicant and shall state the name occupation residence and business address of the applicant his age height weight color of eyes hair and reason for desiring a license to possess or carry concealed such weapon Any license (one) to possess at his place of residence or place of business or (two) to carry concealed such weapon issued upon such application shall set forth the foregoing data and shall in addition have affixed thereto a photograph of the licensee A permit to possess and carry concealed a machine gun or automatic rifle or automatic shot-gun or riot gun by any banking institution or public carrier authorized so to do by section two of this act shall be issued by the licensing authority of this section

in like manner When such licenses are issued by a clerk of the court of quarter sessions of any county a record thereof shall be kept in the office of the clerk of quarter sessions when issued by police authorities such record shall be maintained in the office of the authority by whom issued Such applications and licenses shall be uniform throughout the State upon forms prescribed and furnished by the attorney general Provided however that no license to either possess or carry concealed any of the firearms mentioned in this section shall be issued to a person under the age of eighteen years

Section 10 The Director of Public Safety the superintendent chief or head of any police department or police force of any city of the first or second class or the clerk of the court of quarter sessions of any county as referred to in section nine hereof shall hereafter be designated for brevity as licensor

Section 11 Every person firm or corporation engaged or desiring to engage in the business of selling leasing or otherwise transferring a pistol or revolver whether such seller lessor or transferrer is a retail dealer wholesale dealer pawnbroker or otherwise shall submit a sworn application for a license and registry to the proper licensor of his county which shall be put in such form as the Attorney General may determine which application shall state the principal place of business of the applicant wherever situated and the location of the principal place of business in this State the address of the applicant and such other additional information as the Attorney General may require and if the licensor is satisfied that the applicant is of good repute he shall register the applicant and issue to him a registry certificate certifying to the fact that the dealer has been registered for the current calendar year as a dealer in pistols or revolvers

If the licensor declines or fails to so register the applicant he shall immediately give notice of the fact to the applicant and upon request of such applicant filed within ten days after the receipt of such notice shall fix a time and place for hearing of which ten days' notice shall be given to the applicant or to other persons interested to offer evidence relating to the dealers repute If satisfied as aforesaid as a result of said hearing the licensor shall thereupon register the dealer Any dealer aggrieved by any decision

of the licensor may file within thirty days thereafter in the court of quarter sessions of his county a petition against the licensor officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof. Upon service of summons upon said defendant returnable within three days from its date the licensor shall within one week from such return date file an answer in which he shall allege by way of defense the grounds of his decision and such other grounds which shall in the meantime accrue or be discovered. All allegations of the answer shall be determined to stand denied without further pleading and upon application of either party the cause shall be advanced and heard without delay. Mere technical irregularities in procedure of such licensor shall be disregarded. The court's decision shall consult only the rights of the plaintiff and the protection of the public and the licensor shall prosecute no proceedings to obtain a reversal modification or vacation of a judgment rendered in favor of the plaintiff. A judgment sustaining a refusal of the licensor to grant or renew a registration shall not bar after one year a new application by the plaintiff for registration and license nor shall a judgment in favor of the plaintiff prevent such licensor from thereafter revoking or refusing to renew such registration for any proper cause which may thereafter accrue or be discovered. The court shall have full power to dispose of all costs and appeals may be taken as in other cases as provided by law.

This section shall not apply to wholesale dealers of merchandise in interstate commerce nor to wholesale dealers when selling merchandise to other dealers nor to agents messengers and other employes of common carriers whose duties require them to protect moneys valuables and other property in the discharge of such duties from carrying any such weapons while actually engaged in such duties.

Section 12. Every person firm or corporation in the business of selling leasing or otherwise transferring a pistol or revolver whether such seller lessor or transferrer is a wholesale dealer retail dealer pawnbroker or otherwise except as hereinbefore provided shall keep a register in which shall be entered the time of sale the date of sale the names of the salesman making the sale the place where sold the make model manufacturer's number caliber or other marks of identification on such pistol or revolver together with serial

number date name and address of licensee appearing upon the license to possess or to carry concealed such firearm which license shall be exhibited to the dealer at the time of the purchase. Such register shall be prepared by and obtained from the State printer and shall be furnished by the State printer to said dealers on application in duplicate and shall be in form prescribed by the Attorney General. The purchaser of any such firearm shall sign and the dealer shall require him to sign his name and affix his address to said register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signatures of the purchaser. Any person signing a fictitious name or address or making false statements is guilty of a misdemeanor. The duplicate sheet of such register shall on the evening of the day of sale be placed in the mail postage prepaid and properly addressed to the Director of Public Safety the superintendent chief or head of police department or police force of the city of the first or second class wherein the sale was made provided that where the sale is made in any other city or county said duplicate sheet shall be mailed to the clerk of the court of quarter sessions of the county wherein the sale is made. A violation of any of the provisions of this section by any person engaged in the business of selling leasing or transferring such firearms is a misdemeanor.

Section 13. A duly licensed retail dealer may sell a pistol or revolver and a manufacturer may sell a machine gun or automatic rifle to such persons as shall have been issued licenses which licenses must be exhibited at the time of purchase and said dealer upon effecting a sale shall endorse on said license in ink the make model manufacturer's number caliber or other marks of identification of such pistol revolver machine gun automatic rifle automatic shotgun or riot gun subject to the following conditions for breach of any of which the license of retail dealer shall be subject to forfeiture in addition to the penalty designated in the license.

1 The business shall be carried on only in the building designated in the license.

2 The license or a copy thereof certified by the issuing authority shall be displayed on the premises where it can easily be read.

3 No pistol or revolver shall be delivered

(a) On the day of the application for the purchase and when delivered shall be securely wrapped and unloaded

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity and shall exhibit his license to possess or carry concealed such firearm

4 No pistol or revolver or imitation thereof or placard advertising the sale or other transfer thereof shall be displayed in any part of said premises where it can readily be seen from the outside

A violation of any of the provisions of this section is a misdemeanor

Section 14 Any person who in purchasing or otherwise acquiring possession of a pistol revolver machine gun automatic rifle automatic shot-gun *having a barrel of less than twenty-four inches* or riot gun in applying for a license to possess or carry the same concealed gives false information or offers false evidence as to his identity or signs a fictitious name or address to any application for a license or to any dealer in purchasing or otherwise securing possession of a pistol revolver shall be guilty of a misdemeanor

Section 15 No person firm or corporation shall sell deliver or otherwise transfer any pistol revolver or other firearm to any person prohibited by section five hereof from owning or possessing such firearms nor any pistol or revolver to a minor If any sale purchase or transfer is not consummated within seventy-two hours of the time of application for sale purchase or transfer is made such application for sale purchase or transfer shall be null and void Any violations of the provisions of this section shall be a misdemeanor

Section 16 Any person who without being licensed as above provided engages in the business of selling or otherwise transferring or who advertises for sale or offers or exposes for sale transfer or delivery or who sells any pistol revolver automatic rifle automatic shot-gun or riot gun is guilty of a misdemeanor

Section 17 No person shall change alter or remove or obliterate the name of the maker model manufacturer's number or other mark of identification on any pistol revolver machine gun or automatic rifle And on the trial of an indictment for a violation of the provisions of this section the jury may infer that the person in possession of

such firearm has changed altered removed or obliterated the identification marks of such pistol revolver machine gun or automatic rifle

Section 18 This act shall not apply to antique pistols or revolvers or other firearms unsuitable for use as firearms Provided however that all pistols or revolvers possessed as curiosities and ornaments which are capable of use as firearms with cartridges now being manufactured shall be registered under the provisions of this act and the owner or possessor thereof shall be issued one license and each pistol or revolver owned or possessed shall be inventoried by manufacturer's number caliber make model and other marks of identification on said license

Section 19 Any violation of any provisions of this act which is designated as a misdemeanor and for which no punishment has been provided shall be punishable by a fine not exceeding five hundred dollars (\$500) or imprisonment not exceeding three years either or both at the discretion of the court

Section 20 Wherever the pronoun "he" occurs in this act it shall be construed as including both male and female persons

Section 21 All persons in possession of a pistol revolver machine gun or automatic rifle automatic shot-gun having a barrel of less than twenty-four inches or riot gun described in this act at the time of its taking effect shall be required to obtain a license to possess or carry the same concealed in accordance with the provisions of this act within a period of ninety days after the approval of this act and failure to procure such license will render such person or persons liable to the provisions and penalties of this act Upon the issuance of said license the licensor shall endorse on said license in ink the make model manufacturer's number caliber or other marks of identification of such pistol revolver machine gun or automatic rifle automatic shot-gun or riot gun

Section 22 The fees under the provisions of this act shall be as follows

1 For receiving application and issuing license to possess or carry concealed a pistol revolver or other firearms fifty cents

2 For filing and indexing any registration or license fifty cents

3 For receiving application and issuing collectors' license five dollars

4 For issuing or refusing dealers' license or registry or for hearings thereon ten dollars

All such fees shall be paid by the applicant for license whether the same be granted or not and shall be paid to the County Treasurer of the several counties. The County Commissioners of the several counties shall supply all necessary assistance to the licensing authorities. Provided however That no fee shall be charged for registering any pistol revolver or other firearm in the possession of any person at the time of the passage of this act the registration of which is required under the provisions of this act where such registration is made within a period of ninety days after the approval of this act

Section 23 In any prosecution under this act it shall not be necessary to negative any of the exemptions of this act in any complaint information or indictment or at trial. The burden of proving any exemption under this act shall be upon the defendant

Section 24 Nothing in this act shall be construed to apply to or to affect the possession or transportation of merchandise in interstate commerce nor to members of the army navy or marine corps of the United States or the National Guards or to organizations which are by law authorized to receive such weapons from the United States or this State nor to officers or employes of the United States authorized to carry a pistol revolver or other firearms. Nothing in this act shall apply to wholesale dealers when selling merchandise to other dealers

Section 25 The provisions of this act in so far as the same relate to pistols or revolvers shall not apply to persons over the age of twenty-one years holding hunters' licenses of the Commonwealth of Pennsylvania. Such persons shall be entitled to have and possess pistols or revolvers to carry the same openly when and where hunting and to transport the same to and from the place of hunting for the purpose of hunting. Such persons shall also be entitled to purchase pistols or revolvers upon presentation to the retail dealer of their hunting licenses together with a certificate of good character issued by the licensor

as defined in section ten hereof Said licensor shall only issue said certificate of good character upon the sworn statement of two reputable citizens that the applicant for such certificate is a law abiding person who has never been convicted of any crime of violence as defined in section five hereof Nothing in this section shall relieve any person firm or corporation from the duties imposed in section twelve hereof

Section [25] 26 All other acts or parts of acts inconsistent herewith are hereby repealed provided however that this act shall not repeal or in any manner affect any of the provisions of an act approved the twenty-fourth day of May one thousand nine hundred twenty-three (Pamphlet Laws three hundred and fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing laws relating thereto"

Section [26] 27 The repeal of any acts or parts of acts of assembly shall not affect any prosecutions pending on the date of passage of this act nor prevent the institution of any prosecutions for violation of any of the provisions of said acts committed prior to the passage of this act but all such pending prosecutions shall be terminated and all such violations shall be prosecuted in the same manner

Section [27] 28 If any provisions of this act shall be held by any court to be unconstitutional such judgment shall not affect any other section or provision of the same It is hereby declared as a legislative intent that this act would have been passed had such unconstitutional provision not been included therein

.....
President pro tempore of the Senate.

.....
Speaker of the House of Representatives.

Approved—The..... day of..... A. D. 1929.

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EXHIBIT 17.**FILE OF THE SENATE****No. 315 Session of 1929****AN ACT**

Making it unlawful for a person admitted to bail to fail to appear upon the trial of his cause

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That if any person who has been admitted to bail conditioned upon his appearance in court for the trial of the cause wherein he is defendant shall fail to appear when such cause is listed and shall thereupon by order of the sitting judge incur a forfeiture of his bail he is guilty of a felony if such admission to bail was in connection with the charge of felony and is guilty of a misdemeanor if such admission to bail was in connection with a misdemeanor

Section 2 Such person upon conviction of failing to appear where the forfeiture of his bail is in connection with the charge of felony shall be sentenced to pay a fine not exceeding Five Thousand (\$5,000.00) Dollars and to undergo imprisonment by separate or solitary confinement at labor not exceeding five years and upon conviction where the forfeiture of his bail is in connection with a misdemeanor shall be sentenced to pay a fine not exceeding One Thousand (\$1,000.00) Dollars and to undergo imprisonment by separate or solitary confinement at labor not exceeding two years

EXHIBIT 18-A.**FILE OF THE HOUSE OF REPRESENTATIVES****No. 566 Session of 1929**Strike out in [] Insert in *Italics***AN ACT**

Continuing the commission created by Concurrent Resolution number eighty-six approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws one thousand thirty-five) *for further study of the criminal laws of the Commonwealth*

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in*

General Assembly met and it is hereby enacted by the authority of the same That the Governor of this Commonwealth is hereby authorized and directed to appoint a commission consisting of eight citizens of whom two shall be judges of the court of common pleas one shall be a prosecuting attorney one shall be a Member of the Senate one shall be a Member of the House of Representatives and three other citizens of the Commonwealth at least one of whom shall have had experience in social welfare work The Attorney General shall be an ex-officio member of said commission The commission shall study the laws conditions and practice of this Commonwealth relating to crimes criminal procedure and criminals to examine the crime situation in the Commonwealth of Pennsylvania the procedure methods and agencies concerned with the detection of crime the apprehension bailing prosecution and trial of persons accused of crime and the punishment treatment and pardon of convicted persons and all other matters which have relation directly or indirectly to the crime situation in this Commonwealth and such additional laws as may be made to embody the best thought and experience on these subjects and to suggest revisions and amendments to the statutes of Pennsylvania which relate to any of the foregoing matters All recommendations of the commission shall be accompanied by concise statements and reasons for such recommendations The members of the commission shall receive no compensation for their services but shall be allowed the actual traveling and other necessary expenses incurred in the performance of their duties

Section 2 The commission or its authorized agent shall have access to such documents records and papers belonging to or under the control of the State cities counties boroughs and townships and of institutions commissions and societies dealing with crime criminal procedure or criminals which are subject to State supervision whenever such examination of documents records and papers is necessary for the compilation of statistics and facts that may be of use and value to the commission in its works

Section 3 The said commissioners shall make a full report in writing to a General Assembly which shall convene in the year one thousand nine hundred and thirty-one on or before the first day of February of said year.

Section 4 The sum of [fifty] [twenty-five] fifteen

thousand [(\$50,000)] [((\$25,000)] (\$15,000) dollars or so much thereof as may be necessary is hereby appropriated to defray the expenses of said commission to be paid upon certificate of the chairman of said commission by warrant of the Auditor General on the State Treasurer in the usual manner.

Section 5 That the Legislative Reference Bureau shall render such assistance to the commission as may from time to time be requested

.....
Speaker of the House of Representatives.

.....
President pro tempore of the Senate.

Approved—The.....Day of.....A. D. 1929.

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EXHIBIT 18-B.

This bill, according to its title, was intended to continue the Crime Commission created under Concurrent Resolution No. 86 of the 1927 Session of the Legislature.

Section 1 of the bill, instead of continuing the Crimes Commission, would authorize the Governor to appoint a new commission for the purpose of studying the criminal laws of this State.

The bill would appropriate \$15,000.00 to the Commission appointed by the Governor under its terms. The title does not indicate that the bill carries an appropriation.

Under many decisions of our Supreme Court this bill clearly violates Article III, Section 3 of the Constitution.

It is needless to say that I am heartily in favor of the continuance of the work of the Crime Commission, which made a number of excellent recommendations to the 1929 Session of the General Assembly. That the bill now before

me is palpably unconstitutional was due to a regrettable inadvertence.

My inability to approve this bill does not signify that the work begun by the Crime Commission will not go on.

Section 904 of The Administrative Code authorizes the Department of Justice to investigate violations of the laws of this Commonwealth and to take such steps and adopt such means as may be reasonably necessary to enforce them. Section 905 authorizes the same Department to prepare for submission to the Legislature such revisions and codifications of the laws of this State, or any part thereof, as may be deemed advisable.

I have requested the Attorney General, acting under the authority conferred upon his Department by these sections, of The Administrative Code, to continue the work begun by the Crime Commission and for that purpose to associate with him a committee of persons preeminently qualified for the work. The appropriation to the Department of Justice is entirely adequate to enable it to perform this additional work.

I feel confident that the results which can be accomplished under the procedure which I have outlined will measure up to those which would have been accomplished were I able to approve this bill.

For these reasons the bill is not approved.

EXHIBIT 19.

FILE OF THE SENATE

No. 322 Session of 1929

AN ACT

To provide for the collection and use of data relating to the criminal business of this Commonwealth and making non-compliance with the terms of this act a misdemeanor

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That the Department of Justice shall collect information reports and data concerning crimes committed in this Commonwealth this information to com-

prise only such crimes and only such part of the legal steps taken in connection therewith from the inception of the complaint to the discharge of the defendant either upon hearing or upon expiration of the term of his sentence as the Department of Justice may designate

Section 2 It shall be the duty of any district attorney clerk of any court transacting criminal business justice of peace alderman police magistrate coroner and police official to transmit to the Department of Justice such information referred to in section one as may be requested by it

Section 3 The Department of Justice shall provide for the purposes set forth proper forms and detailed instructions The Attorney General shall appoint for the purpose of supervising the work herein described a person or persons as he may deem advisable who shall be skilled in statistics and a competent administrator and shall provide suitable and adequate clerical assistance The Department of Justice shall cause to be prepared semi-annually the compilation of the information which he gathers through the provisions of this act and shall publish the same This compilation shall show in such detail as is suitable and with appropriate tables the crime situation of the Commonwealth and wherever possible shall indicate comparison with the other half of the same year and with similar periods in other years

Section 4 Every person who has the custody or charge of any public records or documents from which information sought in respect to this act can be obtained shall grant to any agent or other person deputed for that purpose by the Department of Justice access thereto for the obtaining of such information therefrom

Section 5 Any person who shall violate the provisions of the preceding section or any official who shall fail to perform the duties imposed upon him by the preceding sections of this act shall be guilty of a misdemeanor It shall be the duty of the Attorney General to proceed against such person for such violation in the county of the Commonwealth in which such violation occurred Upon conviction in any such case the defendant shall be sentenced to pay a fine of one thousand (\$1,000) dollars or undergo imprisonment for the term of one year or both within the discretion of the court

EXHIBIT 19-B.**FILE OF THE HOUSE OF REPRESENTATIVES****No. 683 Session of 1929**Strike out in []
AN ACT

To provide for the collection and use of data relating to the criminal business of this Commonwealth [and making non-compliance with the terms of this act a misdemeanor]

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That the Department of Justice shall collect information reports and data concerning crimes committed in this Commonwealth this information to comprise only such crimes and only such part of the legal steps taken in connection therewith from the inception of the complaint to the discharge of the defendant either upon hearing or upon expiration of the term of his sentence as the Department of Justice may designate

Section 2 It shall be the duty of any district attorney clerk of any court transacting criminal business justice of peace alderman police magistrate coroner and police official to transmit to the Department of Justice such information referred to in section one as may be requested by it

Section 3 The Department of Justice shall provide for the purposes set forth proper forms and detailed instructions The Attorney General shall appoint for the purpose of supervising the work herein described a person or persons as he may deem advisable who shall be skilled in statistics and a competent administrator and shall provide suitable and adequate clerical assistance The Department of Justice shall cause to be prepared semi-annually the compilation of the information which he gathers through the provisions of this act and shall publish the same This compilation shall show in such detail as is suitable and with appropriate tables the crimes situation of the Commonwealth and wherever possible shall indicate comparison with the other half of the same year and with similar periods in other years

Section 4 Every person who has the custody or charge of any public records or documents from which information sought in respect to this act can be obtained shall grant to

any agent or other person deputed for that purpose by the Department of Justice access thereto for the obtaining of such information therefrom

[Section 5 Any person who shall violate the provisions of the preceding section or any official who shall fail to perform the duties imposed upon him by the preceding sections of this act shall be guilty of a misdemeanor It shall be the duty of the Attorney General to proceed against such person for such violation in the county of the Commonwealth in which such violation occurred Upon conviction in any such case the defendant shall be sentenced to pay a fine of one thousand (\$1,000) dollars or undergo imprisonment for the term of one year or both within the discretion of the court]

.....
Speaker of the House of Representatives.

.....
President pro tempore of the Senate.

Approved—The.....Day of.....A. D. 1929.

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EXHIBIT 19-C.

This bill would impose upon the Department of Justice the duty of collecting information, reports and data concerning crimes committed in Pennsylvania, and would render it the duty of district attorneys, court clerks, justices of the peace, aldermen, magistrates, coroners and police officials to cooperate with the Department by submitting to it the information to which this bill refers.

It would be the duty of the Department of Justice, if this bill were approved, to employ such help as might be necessary for gathering the information; and to publish semi-annually a compilation of the information collected.

There are several fatal objections to this bill.

Section 2011 (b) of the Administrative Code of 1923, and Section 2311 (b) of the Administrative Code of 1929, impose upon the Department of Welfare Duties identical with those which this bill would impose upon the Department of Justice; and require the same local officers to submit to the Department of Welfare the same information which this bill would require them to submit to the Department of Justice.

A duplication of this work on the part of two administrative departments of the State Government and the furnishing of information by local officers to two such departments is unnecessary.

If the assistance of the Department of Justice in this work is deemed essential, such assistance can readily be obtained by the Department of Welfare under Section 501 of the Administrative Code which provides for the cooperation and coordination of work between the several administrative departments of the State Government.

Another objection to this bill is that it would conflict with those provisions of the Administrative Code which relate to the publication of documents by State departments. The present bill would require the Department of Justice to publish semi-annually a compilation of the information collected. The Administrative Code on the other hand provides that only the Department of Property and Supplies, the Governor, and the departments for which publications are contemplated, the right to control fully the quantity, contents, and method of distributing published documents.

In view of the fact that the present bill was introduced at the instance of the Crime Commission, I regret that it becomes necessary for me to withhold my approval; but it was evidently prepared and introduced without reference to the above-mentioned conflicting provisions of the Administrative Codes of 1923 and 1929.

For these reasons the bill is not approved.

